



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,587	08/26/2003	Michael Ian Willer	50T5549.01	4084

7590 09/22/2005

ROGITZ & ASSOCIATES
Suite 3120
750 B Street
San Diego, CA 92101

EXAMINER

BROADHEAD, BRIAN J

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,587

Applicant(s)

WILLER ET AL.

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-16, 18-23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-16, 18-23 and 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-28-05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 14 recites the limitation "the radiofrequency transceiver" in line 1. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 25 recites the limitation "the portable consumer computing device" in line

1. There is insufficient antecedent basis for this limitation in the claim.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 8-15, and 26-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The current invention describes all embodiments using a SAW filter that is shared between the wireless transceiver and the GPS receiver. The amendments to the claims no longer allow this with the restrictive language of only sharing an oscillator.

7. Claims 8-15, and 26-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The current invention describes all embodiments using a SAW filter that is shared between the wireless transceiver and the GPS receiver. The amendments to the claims no longer allow this with the restrictive language of only sharing an oscillator.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-5, 7-16, 18-23, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al., 6477464, in view of Peterzell et al., 2003/0040292.

10. McCarthy et al. disclose a GPS antenna (12'); a GPS receiver (14') coupled to the antenna that includes a synthesizer(inherent); a second antenna and transceiver with synthesizer(inherent) on lines 34-59, on column 2; one module(17) holding the GPS receiver, wireless receiver and antenna; the GPS antenna is mounted on the module in figure 2; a rear view mirror support the module in figure 2; the wireless transceiver receives data from the GPS receiver and transmits the data on lines 42-52, on column 2 and on lines 23-57, on column 5 and the incorporated by reference

Art Unit: 3661

disclosures in that section, specifically application 09/793002, now patent 6690268; the wireless transceiver receives data from at least one vehicle sensor and transmits the data on lines 23-57, on column 5 and the incorporated by reference disclosures in that section; and the data is transmitted to a portable computing device selected from one of a PDA, wireless telephones, and a laptop, for display on lines 48-67, on column 3; and lines 5-15, on col. 94 of incorporated patent 6,690,268; wherein the transceiver receives vehicle data or diagnostic data from at least one vehicle sensor other than the GPS receiver and transmits the vehicle data to a component and displaying information associated with the transmitted GPS data on lines 20-24, on col. 23, 5-54, col. 51, line 56-43, on col. 56, lines 18-25 and 58-68, on column 61, lines 1-56, on column 62, and lines 38-53, on col. 72, all in incorporated patent 6,690,268. McCarthey et al. do not disclose a reference oscillator providing signals to both the GPS receiver synthesizer and bluetooth transceiver synthesizer while not sharing any other components; and a dual SAW filter package in the module, signals from both antennae being filtered through the SAW filter package. Peterzell et al. teach a reference oscillator providing signals to both the GPS receiver synthesizer and bluetooth transceiver synthesizer while not sharing other components including a mixer in paragraph 63; and a dual SAW filter package in the module, signals from both antennae being filtered through the SAW filter package(70). It would have been obvious to one of ordinary skill in the art to use the oscillator and SAW filter of Peterzell et al. in the invention of McCarthey et al. because such modification would provide for a less expensive construction through reducing current needs and board area by eliminating the need for more than one

Art Unit: 3661

oscillator as disclosed by Peterzell et al. in paragraph 83. Using a SAW filter is a design choice. SAW filters were well known in the art at the time the invention was made because of their bandpass filter shape factors.

Response to Arguments

11. Applicant's arguments filed 6-28-2005 have been fully considered but they are not persuasive. Applicant's argument that McCarthy et al. does not disclose transmitting anything other than GPS signals is not convincing since the incorporated reference, 6,690,268 discloses that the display can be remotely located, communicate through Bluetooth, and show the status of the rain sensor. Applicant's argument that Peterzell et al. uses a common down conversion circuit for all the input signals is not convincing since in paragraph 58, they disclose using separate components for each RF path. Separate down converter (390) is not of issue since that is only for one embodiment and Peterzell et al. disclose the GPS and Bluetooth can be processed along the I and Q paths.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3661

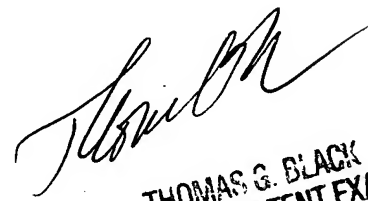
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BJB


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3602